

**UNITED STATES DISTRICT COURT
DISTRICT MINNESOTA**

IN RE: CATTLE AND BEEF
ANTITRUST LITIGATION

Case No. 22-md-3031 (JRT/JFD)

THIS DOCUMENT RELATES TO:

All Direct Action Cases

**DIRECT ACTION PLAINTIFFS' REQUESTED MODIFICATIONS
TO PRETRIAL SCHEDULING ORDERS AT DKT. NOS. 571 AND 682**

Following the Court's case management conference held on October 18, 2022, the Court allowed the Direct Action Plaintiffs ("DAPs") to submit modifications to existing pretrial scheduling orders at Dkt. Nos. 571 and 628. *See* Order dated 10/19/22, Dkt. No. 48. Pursuant to that Order, the DAPs submit the following modest adjustments to the preexisting orders:

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
Service of Initial disclosures in subsequently consolidated Actions ECF No. 571 at 3 ¶1	Newly added parties shall serve Initial disclosures within 28 days of consolidation	<i>No Change as to New DAPs</i> <i>Current DAPs are negotiating with defendants a schedule for such DAPs to make initial disclosures.</i>

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
<p>Rolling Production to begin by newly added parties in consolidated actions</p> <p>ECF No. 571 at 3 pt.2(a)(i)</p>	<p>A responding party shall begin Rolling Production within 60 days after substantial completion of that party's meet and confer process on the requests, custodians, sources, search methodology, and date ranges [note this has already been triggered for existing parties]</p> <p><i>Defendants shall produce to DAPs a copy of the fact discovery (including, without limitation, documents, electronically stored information, and structured data) that they have produced in related case 20-cv-1319 and the MDL to date, to the extent they have not already done so.</i></p>	<p><i>No Change (aside from the bold italicized suggestion below)</i></p> <p><i><u>Justification:</u> Consistent with the objectives of efficiency and non-duplication, this provides for the reasonable commencement of discovery in practical terms as provided for under the Federal Rules of Civil Procedure with minimum burden on Defendants.</i></p>
<p>Rolling Productions to commence</p> <p>ECF No. 628</p>	<p>By October 25, 2022: Any additional Investigative Materials produced in the related cases between July 29, 2022 and September 2, 2022 to be produced by Defendants in this matter.</p> <p>Investigative Materials</p>	<p>No change</p>

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
	produced in the related cases after September 2, 2022 will be produced in this matter on a rolling basis.	
Productions for 5 Priority Custodians per Defendant Family to be completed ECF No. 628	December 15, 2022 for Resolved RFPs (subject to the understanding that if the parties bring motion practice over certain search terms, this deadline will not apply to the disputed search terms)	<i>January 17, 2023 for Resolved RFPs (subject to the understanding that if the parties bring motion practice over certain search terms, this deadline will not apply to the disputed search terms)</i> <i><u>Justification:</u> DAPs adopt Class Plaintiffs' deadline and justifications.</i>
Structured data productions complete ECF. No 628	December 1, 2022 Structured data subject to the Motion to Compel need not be produced until 40 days after a ruling on the Motion to Compel, or March 1, 2023, whichever is later.	<i>No Change as to Defendants.</i> <i>DAPs' deadlines to be negotiated with Defendants.</i>
Document productions substantially complete ECF. No 628	February 23, 2023	<i>March 23, 2023 as to Defendants.</i> <i><u>Justification:</u> DAPs adopt Class Plaintiffs' deadline and justifications.</i> <i>DAPs' deadlines for substantial completion to be negotiated with Defendants.</i>

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF</u> <u>Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
Motions to amend the pleadings ECF. No 628	April 5, 2023	<i>May 5, 2023</i> <i><u>Justification: DAPs adopt Class Plaintiffs' deadline and justifications.</u></i>
Class certification motions and Plfs. serve class cert. expert reports ECF. No 628	August 16, 2023	No Change
Defs.' class cert. oppositions, Defs.' Class cert. Daubert motions, and Defs. serve class cert. expert reports ECF. No 628	October 18, 2023	No Change
Plfs.' class cert. replies, Plfs.' class-cert.-related Daubert motions, Plfs.' opps. to Defs.' Daubert motions, and Plfs. Serve any class cert. expert rebuttal reports ECF. No 628	December 21, 2023	No Change
Fact discovery completed ECF. No 628	February 2, 2024	<i>March 5, 2024</i> <i><u>Justification: DAPs adopt Class Plaintiffs' deadline and justifications.</u></i>
Defs.' opps. to Plfs.' Daubert motions, and Defs.' replies	February 15, 2024	No Change

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF</u> <u>Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
ISO Defs.' Daubert motions ECF. No 628		
Plfs.' replies ISO Plfs.' Daubert motions ECF. No 628	March 15, 2024	No Change
<i>DAPs serve expert reports</i>		<i>May 6, 2024</i> <i><u>Justification:</u> DAPs submit that 60 days following the close of fact discovery (March 5, 2024) and after the completion of class certification/Daubert motions is an appropriate milestone to begin expert discovery in the DAPs' actions.</i>
<i>Defendants serve expert reports in DAP actions</i>		<i>July 8, 2024</i> <i><u>Justification:</u> 60 days after service of DAPs' expert reports is an equally reasonable time period for Defendants to prepare and serve their expert/response reports</i>
<i>DAPs serve expert rebuttal reports</i>		<i>August 30, 2024</i> <i><u>Justification:</u> roughly 45 days is a reasonable time period for DAPs to serve their rebuttal expert reports</i>

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF</u> <u>Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
<i>DAPs depose Defendants' experts</i>		<p><i>By September 30, 2024 DAPs complete depositions of Defendants' experts.</i></p> <p><i><u>Justification:</u> DAPs submit that deposing experts after all expert reports and rebuttal reports are exchanged promotes the fair and efficient discovery of expert opinions rather than a piecemeal approach of first deposing DAPs' experts following service of their reports, then deposing Defendants' experts and again deposing DAPs' experts subsequent to their submission of rebuttal reports. 30 days is reasonable time period for DAPs to complete the expert depositions.</i></p>
<i>Defendants depose DAPs' experts</i>		<p><i>By October 31, 2024 Defendants complete depositions of DAPs' experts.</i></p> <p><i><u>Justification:</u> DAPs submit that deposing experts after all expert reports and rebuttal reports are exchanged promotes the fair and efficient discovery of expert opinions rather than a piecemeal approach of first deposing DAPs' experts following service of their</i></p>

<u>Event</u>	<u>Current Deadline</u> <u>(Case No. 20-cv-1319, ECF</u> <u>Nos. 571 & 628)</u>	<u>Proposed Deadline</u>
		<i>reports, then deposing Defendants' experts and again deposing DAPs' experts subsequent to their submission of rebuttal reports. 30 days is an equally reasonable time for Defendants to complete the expert depositions.</i>

Further, certain deadlines for DAPs to provide discovery responses may need to be adjusted by agreement of the parties depending on when DAPs are served with discovery requests. DAPs suggest that the Court's Order provide that the parties may stipulate to reasonable extensions of such deadlines. Examples of such deadlines include the deadline for production of structured data (December 1 under Dkt. No. 628) and the deadline for production of documents from five priority custodians (December 15, 2022 under Dkt. 628). The parties have stipulated to and the Court has so ordered changes to other deadlines (Dkt. No. 69).

DAPs also respectfully request that the Court's modified pretrial scheduling order provide that DAPs shall be entitled to serve RFPs and other written discovery that is not duplicative of discovery served by the classes.

DAPs submit that the foregoing suggested changes to the preexisting orders are reasonable and intended to assist the Court in developing a new schedule for the meaningful progress of this MDL proceeding, including the expert phase of the DAPs' cases.

Dated: November 22, 2022

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